UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/509,182	RONTYNEN ET AL.
	Examiner	Art Unit
	THUY-VI NGUYEN	3689

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _23 December 2009_.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-7; 9; 13-32; 34-54_ is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-7; 9; 13-32; 34-54_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a) ☐ All b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This is in response to the applicant's communication filed on 12/23/09 wherein:

Claims 1-7; 9; 13-32; 34-54 are currently pending;

Claims 1-9; 13-32; 34-54 have been amended;

Claims 8, 10-12, 33, has been cancelled;

Claim 55 has been deleted.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or
composition of matter, or any new and useful improvement thereof, may obtain a patent therefor,
subject to the conditions and requirements of this title.

2.   Claims 15-16 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. In accordance with In re Bilski, 88 USPQ2d

1385 (Fed.Cir. 2008) the **Machine -or-Transformation Test**, the claimed process must:

(1) be tied to a particular machine or apparatus (machine implemented); or

(2) particularly transform a particular article to a different state or thing.

A method claim that does not require machine implementation or does not cause

a transformation will fail the test and should be rejected under § 101. However, the

mere presence of a machine tie or transformation is not sufficient to pass the test. When

a machine tie or transformation has been identified, it must be further determined that

the tie is to a **particular** machine or the particular transformation is of a **particular**

article. Additionally, the particular machine tie or particular transformation must meet

two corollaries to pass the test for subject matter eligibility. First, the use of the

particular machine or transformation of the particular article must impose a **meaningful**

limit on the claim's scope. So, a machine tie in only a field-of-use limitation would not

be sufficient.

Second, the use of the particular machine or the transformation of the particular

article must involve **more than insignificant "extra-solution" activity**. If the machine

or transformation is only present in a field-of-use limitation or in a step that is only

insignificant "extra-solution" activity, the claim fails the Machine-or-Transformation test,

despite the presence of a machine or a transformation in the claim.

With respect to **Claims 48-54,** the claim language does not transform the

underlying subject matter and the process is not tied to another statutory class.   For

instance in claim 48, the process steps of *"obtaining ....; searching...; performing....;* is

not tied to another statutory class, such as an apparatus. Thus the claims are directed

to nonstatutory subject matter.

a) As for the limitation in the preamble" *A method for managing the use of a set*

of messaging services utilizing a messaging manager coupled to a messaging router,

the method comprising" which may be involved with the networking device (router).

However, the preamble is considered as "optional" and thus having no patentable

weight. A preamble is generally not accorded any patentable weight where it merely

recites the purpose of a process or the intended use of a structure, and where the body

of the claim does not depend on the preamble for completeness but, instead, the

process steps or structural limitations are able to stand alone. See *In re Hirao*, 535

F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88

USPQ 478, 481 (CCPA 1951).

b) As for the limitation in the first step "*in the messaging manager, receiving from

the messaging router a message ....*" that appears to tie into a particular machine.

However, this step is considered as insignificant "extra solution" activity because it only

present in a field-of-use limitation in order to perform the step of "obtaining...,

searching..., and performing....".

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

Independent Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

In dependent claim 1 recites "A messaging manager for managing a set of

messaging services, the messaging manager comprising:

(1) logic for executing main tasks; (2) a profile database; (3) a link for coupling

...; (4) at least one user interface;

the system messaging manager being adapted to: "receive....; obtain....;

search....; perform...."

Due to the recited limitation "the system messaging manager being adapted to",

it is unclear whether the previous components (logic, a profile database, a link) also

being adapted to perform the steps "receive..; obtain...; search; perform..." or there is

an additional component to perform these steps?

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

5.   Claims **1-4, 6-7, 9, 13, 20-21, 34-42, 44, 48-51, 53-54** are rejected under 35

U.S.C. 102(e) as being anticipated by FOLADARE ET AL (US 6,373,926).

As for independent claim 1, FOLADARE ET AL. discloses a messaging

manager for managing a set of messaging services, the messaging manager

(centralized messaging service) comprising:

logic for executing main tasks {at least figures 4-5}; a profile database {figures 1-

3}; a link for coupling to a messaging server for providing messaging connectivity to the

centralize messaging service and for sending and receiving messages {see figures 1-2,

at least col.1, lines 40-49, lines 60-65, and col. 2, lines 1-7}; at least one user interface

{figures 1-2}, the message manager (*centralized messaging service*) being adapted to:

1) receive via the link a message/information belong to a communication

between an end user and a service provider, wherein the message is sent from a

terminal by the end user;

{see at least col. 1, lines 50-67; col. 2, lines 48-67; col. 3, lines 1-25 and at least

figures 1-2, and 4-5 discloses the communication between *centralized message service*

(120), end user/sending party (100, 110), and messaging service provider (130, 135, 140). For example: when the centralized messaging (120) receive the message from the sending party, the centralized message service processor then sending the message to the receiving party's messaging service providers}.

2) obtain data from the message, and when the data is a search key,

{see at least abstract, col. 1, lines 50-58, col. 2, lines 57-67; col. 3, lines 1-18; col. 4, lines 24-40; col. 9, lines 33-67 at least figures 1-2; wherein FOLADARE ET AL inherently discloses the data is a search key. For example: *the centralized message service (120) receives the message/communication signals from the sending party which include a receiving party identifier. The centralized message service (120) then retrieves profile information from a database corresponding to the messaging services of the receiving party based on the receiving party identifier. The identifier (search key) may be email address or may be any other identifier that may be used to identify an individual person}*

3) search for at least one profile stored in the profile database by using the search key/identifier or characteristic of the receiving party,

and col. 3, lines 10-25; col. 4, lines 53-67; col. 5, lines 1-20; col. 9, lines 50-58 and at least fig. 7 discloses *"once the sending party providing the identifier of the receiving party, the controller (200) in the centralized message service searches the database 125 to retrieves the profile information stored in the database corresponding to the identifier/message information received from the user device of the sending party},*

said profile being a data collection containing information about the receiving

party's messaging service providers;

{see at least col. 1, lines 60-67; col. 2, lines 1-15; *"the profile information*

retrieved from the database may identify the messaging service providers to which the

message is to be sent. For example: the receiving party may designate in their profile

that the message should only sent to their voice mail account and electronic mail and

not sent to their pagers or vice versa;

4) when the at least one profile is found in the database, perform at least one

task defined by the at least one profile wherein the profile was created by a service

operator controlling the messaging service (centralize messaging service).

{see at least col. 2, lines 1-15; col. 3, lines 4-9; and lines 14-18; col. 4, lines 51-

63 which discloses the perform the task/action defined by the profile e.g. the message

will be sent to the voice mail account or electronic mail based on the profile information

retrieved from the database which identify the messaging service provider when the

message identifier corresponds to the profile information}

As for dep. claim 2, which discloses generate the search key by using the data

as input, e.g. the message/data is sent from the end user/sending party, this is taught in

FOLADARE ET AL, {see at least col. 3, lines 1-24; col. 9, lines 40-58}

As for dep. claims 3-4, which discloses the entity, person who sends the

message to, e.g. end user, service provider/receiver.   This is taught in FOLADARE ET

AL, see figures 4-5; col. 1, lines 60-67; col. 2, lines 1-15; col. 3, lines 10-25; col. 6, lines

9-15.

As for dep. claim 6, FOLADARE ET AL, which discloses form an input message in accordance with the message received and the profile found; send the input message to the receiving party's messaging service providers receive an output message sent by the service provider as response to the input message This is taught in FOLADARE ET AL {see col. 1, lines 60-67; col. 9, lines 59-65}.

As for dep. claim 7, FOLADARE ET AL, discloses form a response message in accordance with the output message received and the profile found, and send the response message to the end user {see col. 5, lines 35-46 discloses the response message from the centralize message service to the end user/sending party}.

As for dep. claim 9, which discloses the logic executes at least one task for service provider management, this is taught in FOLADARE ET AL, figures 4-8.

Note: As for dep. claim 13 which recites "wherein said logic executes at least one of the following main tasks: service provider management, service management user management, customer care management, and managing the quality of service". This means if service provider management is selected, the other tasks such as service user management......the quality of service" is not required by the claim nor would further details of elements "service user management......the quality of service ". For example dep. **claims 36-44** is further "detail of quality of services" which is not required to be searched.

As for dep. claim 13, which deals with the information in the profiles, which includes at least pieces of information such as "alternatives billing model, service usage limitations, service deployment rights, routing rules, a choice of a mobile

subscribing…forwarding. It is noted that these information have been determined to be

non-functional descriptive material (NFDM), thus having no patentable weight and does

not need to be taught by the prior art. Nonfunctional descriptive material can not render

nonobvious an invention that would have other wise been obvious. In re Gulack, 703 F.

2d 1381, 1385, 217 USPQ 401, 40-4 (Fed. Cir. 1983) (when descriptive material is not

functionally related to the substrate, the descriptive material will not distinguish the

invention from the prior art in terms of patentability. See MPEP 2106.01.

Note: As for dep. claim 13 which recites " the service provider management is

based on profiles, which include at least one of the following pieces of information:

alternative of a billing model, service usage limitations, service deployments rights,

routing rules, a choice of a mobile subscribing integrated services digital

network(MSISDN) number forwarding". This means if billing model information is

selected, the other information such as service usage......forwarding" is not required by

the claim nor would further details of elements "service usage....forwarding". For

example dep. **claims 22-24** is further detail of service usage limitations; **dep. claims**

25-27 is further detail of service deployments rights, **dep. claims 29-30** is further details

of the routing rules" which is not required to be searched.

As for dep. claims 20-21 which discloses the create a profile to another service

provider, and providing its rights to another service provider, this is taught in

FOLADARE ET AL, figure 8, col. 6, lines 9-35}.

As for dep. claim 44, Concerning the step of "determine whether the service has

obtained the QoS level" is considered as an option limitation. and according to the

MPEP, "language that suggests or makes optional but does not require steps to be

performed or does not limit a claim to a particular structure does not limit the scope of a

claim or claim limitation" (MPEP 2106.II. C).

    As for dep. claims 34, 36-40, It is noted that in examination of the <u>apparatus</u>

claim, the claims must be structurally distinguishable from the prior art. While features

of an apparatus claim may be recited either structurally or functionally, claims directed

to an apparatus must be distinguished from the prior art in terms of structure rather than

function. See MPEP 2114. *In re Schreiber, 128 F.3d 1473, 1477-78, 44 USPQ2d*

1429, 1431-32 (Fed. Cir. 1997). Apparatus claims cover what a device is, not what a

device does. Hewlett-Packard Co. vs. Bausch & Lomb Inc. (Fed. Circ. 1990). Manner

of operating the device or elements of the device, i.e. recitation with respect to the

manner in which a claimed apparatus is intended to be employed/used, does not

differentiate apparatus from the prior art apparatus. *Ex parte Masham*, 2 USPQ2d 1647

(BPAI, 1987). Therefore, system claim with intended<u>use</u> limitation for the

system/device or apparatus, i.e. "is based on..." carries <u>no</u> patentable weight.

    Moreover, the claims above deals the profile include the hierarchical relationship,

performance level of service, this is determined to be non-functional descriptive material

(NFDM), thus having no patentable weight and does not need to be taught by the prior

art. Nonfunctional descriptive material can not render nonobvious an invention that

would have other wise been obvious. In re Gulack, 703 F. 2d 1381, 1385, 217 USPQ

401, 40-4 (Fed. Cir. 1983) (when descriptive material is not functionally related to the

substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability. See MPEP 2106.01.

As for dep. claim 35, which discloses the means/ or tool or service that the message service system act on behalf of the end user, this is taught by FOLADARE ET AL, col. 1, lines 50-58, col. 2, lines 57-67; col. 3, lines 1-9; col. 4, lines 24-40; at least figures 1-2, and 4-5, 7.

As for dep. claims 41-42 which deals with deleting the message received in order to reduce the traffic, this is taught in FOLADARE ET AL, see figures 4-7 "delete message".

As for independent claim 48, which discloses a method for managing the user of a set of messaging services, utilizing a messaging manager coupled to a messaging router {see figure 1-2; at least col. 1, lines 48-56; col. 2, lines 31-60}. Basically this claim has the similar limitation as independent claim 1 above. It is rejected for the same reason sets forth rejected independent claim 1 as indicated above.

As for dep. claims 49-51, 53-54 basically these claims have the similar limitations ad dep. claims 2-4; 6-7 above. They are rejected for the same reason sets forth the rejected dep. claims 2-4; 6-7 above.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. **Claim 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over

FOLADARE ET AL.

As for dep. claim 16, FOLADARE ET AL disclose a communication service for a

subscriber such as pager services, voice mail, and electronic mail. A person may

subscribe to any number of these services to receive message from a plurality of

different sources using their various message devices {see 1, lines 18-49}. However,

FOLADARE ET AL. doesn't mention about the transaction process feature about the

fee, or payment which provide to the subscriber. It would have been obvious to one of

ordinary skill in the art to recognize the fee service or billing transaction is provided once

the user/person subscribe to any communication services such as pager service, phone

service, electronic mail service which are utilized on a daily basic of the subscriber.

8. **Claims 5 and 52** are rejected under 35 U.S.C. 103(a) as being unpatentable

over FOLADARE ET AL in view of LYTLE ET AL (2002/0188683).

As for dep. claims 5 and 52, FOLADARE ET AL. discloses the claimed

invention as indicated above. FOLADARE ET AL. further discloses using the

identifier/data which is received from the sending party as a "search key" since the since

the identifier/data will be verified or searched to determine   Once the sending party

providing the identifier (search key such as name, email address, identifying an

individual) of the receiving party, the controller (200) in the centralized message service

searches the database 125 to retrieves the profile information stored in the database

corresponding to the identifier received from the user device of the sending party. See

at least col. 1, lines 50-58, col. 2, lines 57-67; col. 3, lines 1-9; col. 4, lines 24-40}.

However, FOLADARE ET AL <u>does not mention</u> about obtaining <u>a second</u> search key,

access a <u>second profile</u> to perform a second task.

LYTLE discloses the well known features of multiple profiles are *used in some*

cases. For example, *a user might have one profile to work with a server based*

message store service, and another profile to work with a message store service on the

local computer. A user may have profiles on more than one computer {par. 0115}; The

user's profile includes the name (considered as a search key). The computer first

checks to see <u>if the display names in the address field corresponds to a nickname</u> that

<u>is stored in the nicknames memory cache, which is stored in the computer's memory</u>

<u>storage devices as part of the user's profile</u>. At step 915 the computer determines

whether any display names remain to be resolved. If all of the display names were

resolved by matching nicknames, the computer goes to step 920 and displays the

address data with the proper indicia. {figure, Par. 0146}.

It would have been obvious to one of ordinary skill in the art at the time of the

invention to provide the teachings of FOLADARE ET AL to include the multiple profiles

are used to search for the users as taught by LYTLE ET AL in order to provide a flexible way to select combinations of message systems. {see LYTLE ET AL, par. 0115}.

9.   Claims **13-15, 17-19, 22-23, 24-32, 43, 45-47** are rejected under 35 U.S.C. 103(a) as being unpatentable over **FOLADARE ET AL** in view of **TITUS ET AL** (US 7, 428, 510).

As for dep. claim 13, FOLADARE ET AL. discloses the claimed invention as indicated above except for the profiles contains <u>at least one</u> the pieces of information such as "alternatives of a billing mode, service usage limitations, service deployment rights, routing rules, choice of a mobile subscribing integrated services digital network (MSISDN) number forwarding".

However, It is noted that these information have been determined to be non-functional descriptive material (NFDM), thus having no patentable weight and does not need to be taught by the prior art. Nonfunctional descriptive material can not render nonobvious an invention that would have other wise been obvious. In re Gulack, 703 F. 2d 1381, 1385, 217 USPQ 401, 40-4 (Fed. Cir. 1983) (when descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability. See MPEP 2106.01.

Moreover, in the similar method of providing the message service to the subscriber, TITUS ET AL discloses the billing model such as a pre-billing service for messaging delivering service, service usage limitations for the messaging service in order to reduces the possibility for fraudulent billing with respect to payment collections,

particularly with respect to the high demand for wireless information services {see figure

4, col. 1, 45-54; col. 1, lines 60-67; col. 3, lines 33-49; col. 7, lines 6-51}.

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the messaging service system of **FOLADARE ET AL** to including

the billing system for the messaging service as taught by **TITUS ET AL** for the benefit of

reducing the possibility for fraudulent billing with respect to payment collections,

particularly with respect to the high demand for wireless information services {see figure

4, col. 1, 45-54; col. 1, lines 60-67}.

Note: As for dep. claim 13 which recites " the service provider management is

based on profiles, which include at least one of the following pieces of information:

alternative of a billing model, service usage limitations, service deployments rights,

routing rules, a choice of a mobile subscribing integrated services digital

network(MSISDN) number forwarding". This means if billing model information is

selected, the other information such as service usage......forwarding" is not required by

the claim nor would further details of elements "service usage....forwarding". For

example dep. **claims 22-24** is further detail of service usage limitations; **dep. claims**

25-27 is further detail of service deployments rights, **dep. claims 29-30** is further details

of the routing rules" which is not required to be searched.

As for dep. claim 14, TITUS ET AL discloses the billing model defines how and

to who the use of a service is billed {see figure 4, col. 1, 45-4; col. 1, lines 60-67; col. 3,

lines 33-49; col. 7, lines 6-51}.

As for dep. claim 15, which discloses the system is adapted to perform at least one of the following operation, block the transaction of the service, block the use of the service, this is fairly taught in TITUS ET AL {see at least col. 2, lines 25-34; col. 3, lines 33-41}.

As for dep. claims 17-19, which deals with the cost/price/tariff classes or service plan which are allowable for a service, this is taught in TITUS ET AL {see figure 4, col. 1, 45-54; col. 1, lines 60-67; col. 3, lines 33-49; col. 4, lines 41-51, col. 7, lines 6-51}.

As for dep. claims 22-23, which deals with the service usage limitations of the service, this is fairly taught in TITUS ET AL, {see figure 4, col. 1, lines 60-67; col. 3, lines 33-49; col. 4, lines 41-51, col. 7, lines 6-51}.

More over, as for dep. claims 14-26, which appear to be the information/data of the billing model and service usage limitation, the service rights which have been determined to be non-functional descriptive material (NFDM), thus having no patentable weight and does not need to be taught by the prior art. Nonfunctional descriptive material can not render nonobvious an invention that would have other wise been obvious. In re Gulack, 703 F. 2d 1381, 1385, 217 USPQ 401, 40-4 (Fed. Cir. 1983) (when descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability. See MPEP 2106.01.

As for dep. claim 27, which discloses means for granting the service right, this is fairly taught in TITUS ET AL, see figures 3-4; col. 1, lines 60-67; col. 2, lines 25-34; col. 3, lines 33-49; col. 4, lines 41-51, col. 7, lines 6-51}.

As for dep. claims 24 and 28, which discloses the access control include the

lists which defines who is considered as illegal end users of the service, or who is the

legal end users of service, this is fairly taught in TITUS ET AL "message may be

prevented from being delivered if insufficient funds are in the subscriber's account " is

read over blacklist' or other wise, message will be transferred "is read over the white

list"; see {see figures 3-4, col. 1, lines 60-67; col. 2, lines 25-34; col. 6, lines 52-67; col.

7, lines 6-51}.

As for dep. claims 29-30 which discloses the code of the routing message, this

is fairly taught in TITUS ET AL, see figure 2, at least col. 5, lines 15-41}. More over, the

codes/information of the routing rules/information, have been determined to be non-

functional descriptive material (NFDM), thus having no patentable weight and does not

need to be taught by the prior art. Nonfunctional descriptive material can not render

nonobvious an invention that would have other wise been obvious. In re Gulack, 703 F.

2d 1381, 1385, 217 USPQ 401, 40-4 (Fed. Cir. 1983) (when descriptive material is not

functionally related to the substrate, the descriptive material will not distinguish the

invention from the prior art in terms of patentability. See MPEP 2106.01.

As for dep. claim 31, which discloses transferring or forwarding the message to

a receiver, this is taught in FOLADARE ET AL, {see at least col. 1, lines 40-59; col. 2,

lines 48-67; col. 4, lines 9-14.

As for dep. claim 32, which discloses the billing model, or the service usage

limitation, this is taught in TITUS ET AL {see figure 4, col. 1, 45-54; col. 1, lines 60-67;

col. 3, lines 33-49; col. 7, lines 6-51}.

As for dep. claim 43, which discloses calculating/computing the resource usage

of the service, this is taught in TITUS ET AL, see at least figures 3-4; col. 1, 45-54; col.

1, lines 60-67; col. 3, lines 33-49; col. 5, lines 1-27; col. 7, lines 6-51}.

As for dep. **claims 45-47** which discloses the transaction in a transaction

database , this is taught by TITUS ET AL, see figures 1-4.

Response to Arguments

10.   Applicant's arguments filed on 12/23/09 have been fully considered but they are

not persuasive.

1) In response to 101 rejection, Applicant has amended claim to include "*A*

method for managing the use of a set of messaging services utilizing a messaging

manager coupled to a messaging router, the method comprising" in the preamble is

noted. However, this is note persuasive because:

a) the preamble is considered as "optional" and thus having no patentable

weight. A preamble is generally not accorded any patentable weight where it merely

recites the purpose of a process or the intended use of a structure, and where the body

of the claim does not depend on the preamble for completeness but, instead, the

process steps or structural limitations are able to stand alone. See *In re Hirao*, 535

F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88

USPQ 478, 481 (CCPA 1951).

b) As for the limitation in the first step "*in the messaging manager, receiving from*

the messaging router a message ...." that appears to tie into a particular machine.

However, this step is considered as insignificant "extra solution" activity because it only

present in a field-of-use limitation in order to perform the step of "obtaining...,

searching..., and performing....".

    2) In response to an argument on page 16, Applicant stated that FOLADARE ET

AL does not teach *the data from the message, and when the data is a search key*" is

noted. However, this is not persuasive.

    FOLADARE ET AL inherently discloses the data (identifier) is a search key. For

example: *the centralized message service (120) receives the message/communication*

signals from the sending party which include a receiving party identifier. The centralized

message service (120) then retrieves <u>*profile information*</u> *from a database, verifies the*

identifier corresponds to the messaging services of the receiving party <u>*based on the*</u>

<u>*receiving party identifier.*</u> *The identifier (search key) may be email address or may be*

any other identifier that may be used to identify an individual person}

    Therefore, FOLADARE ET AL discloses the data (identifier) from message,

wherein the identifier is a search key as indicated above.

    3) In response to an argument on page 17, Applicant stated that FOLADARE ET

AL does not teach "*perform at least one task defined by the at least one profile*" is

noted. However, this is not persuasive. FOLADARE ET AL col. 2, lines 1-15; col. 3,

lines 4-9; and lines 14-18; col. 4, lines 51-63 discloses the perform the task/action

defined by the profile e.g. *the message will be sent to the voice mail account or*

electronic mail <u>*based*</u> *on the profile information retrieved from the database which*

identify the messaging service provider (voice mail, or electronic mail) *when the*

message identifier corresponds to the profile information}. Therefore, FOLADARE ET

AL discloses the feature " perform at least one task defined by the at least one profile"
as recited above.

Moreover, as for the statement on page 17, [*Applicant point out about the
present claims requires the messaging manager to perform "at least one task defined by
the at least one <u>profile</u>". This allows the logic of the present invention <u>a high degree of
flexibility</u>, which may be <u>further enhance by utilizing the optional successive</u> "chained"
profiles.* Applicant also comments on the "profile" of Foladare patent on the on the other
hand merely receives from the retrieved profile information"]. However, this is not
persuasive because the instant claim language failed to provide specific structural and
functional distinctions between the claimed "profile" and that of Foladare.

4) In response to an argument on page 17, Applicant stated that Foladare is
silent regarding the profile creation: "*wherein the profile was created by one of the
following parties: a service provider, a service operator controlling the messaging
service, or a customer care entity*" is noted. However this is not persuasive because
Foladare discloses the centralized messaging system include the centralized message
service processor (120) in communication with the network profile database 125, which
store profile information to identify the messaging service provider to which the
message is to be sent {see figure 1-2}. Therefore, the profile information is created by a
service operator controlling the messaging service which is the centralized messaging
system. Moreover, as long as the "profile/information" is in the system to perform the
step/function, what entity or who created it or how it was created is not that essential.

5) As for an arguments on page 18 of the remark with respect to dep. claims 5

and 52 have been fully considered but are moot in view of the new ground(s) of

rejection.

<div align="center">***Conclusion***</div>

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Thuy-Vi Nguyen whose telephone number is 571-270-

1614. The examiner can normally be reached on Monday through Thursday from 8:30 A.M to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on 571-272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. N./

Examiner, Art Unit 3689

/Janice A. Mooneyham/

Supervisory Patent Examiner, Art Unit 3689